

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:17-CV-23-H

MARILYNN M. McRAE, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SHERIFF DONNIE HARRISON, )  
SAMUEL B. HIGDON, and GENE D. )  
BUTLER, )  
 )  
Defendants. )

**ORDER**

This matter is before the court for frivolity review. United States Magistrate Judge Kimberly A. Swank filed an Order and Memorandum and Recommendation ("M&R") ordering that plaintiff's motion to proceed in forma pauperis be granted and recommending the following to the undersigned: (1) plaintiff's ADA claims be allowed to proceed against Defendant Donnie Harrison in his official capacity, (2) any remaining ADA claims against Defendants Harrison, Higdon, and Butler be dismissed as frivolous or for failure to state a claim upon which relief can be granted and (3) plaintiff's Title VII claims be dismissed in their entirety as frivolous or for failure to state a claim upon which relief can be granted. Plaintiff has filed no objections to the M&R, and the time for doing so has expired.

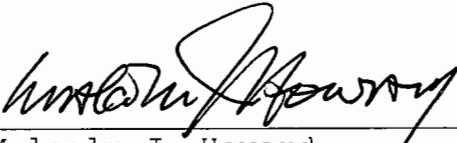
A full and careful review of the M&R and other documents of record convinces the court that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved.

Accordingly, the court adopts the recommendation of the magistrate judge as its own and for the reasons stated therein:

(1) Remaining before the court is plaintiff's ADA claim against Sheriff Harrison in his official capacity.

(2) The ADA claims against defendants Harrison (in his individual capacity) and against defendants Higdon and Butler are dismissed, and plaintiff's Title VII claims are DISMISSED in their entirety.

This 5<sup>th</sup> day of November 2017.

  
\_\_\_\_\_  
Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
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